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Via Email: mschumann@sbuslaw.com

Moritz Schumann, Esq.
SCHUMANN BURGHART LLP
1500 Broadway, Suite 1902
New York, NY 10036

Re: Germantom v. Epoch Times, et al
Case No. 20-918

Dear Moritz:

It was a pleasure to speak to you the other day concerning the above-referenced litigation. I must bring to your attention that it appears that the pleadings were not served in accordance with FRCP 4(h) in that the process server served a receptionist sitting at the front desk of the corporate office. The receptionist was not authorized to receive process particularly under the facts and circumstances set forth in the affidavits of service which state that the “documents are served at the location and left with the receptionist.” This of course is improper service of process and also has stripped the court of personal jurisdiction over defendants.

Moreover, FRCP 4(m) requires that the pleadings be served within 90 days of the commencement of the action otherwise the complaint must be dismissed. Here, the action was commenced on February 3, 2020 which means that the pleadings had to be served no later than May 4, 2020. Since the pleadings were not served properly, the action is ripe for dismissal.

Prior to filing a motion to dismiss the suit, I extend the opportunity to you to contact me to discuss this matter. In the event that you decline, I will file an appropriate motion, seeking costs and attorney’s fees, with a further request, that in the event the court does not dismiss the action, to impose posting of security for costs pursuant to Local Civil Rule 54.2.

Thank you for your attention to this matter.

Very truly yours,

Stewart L. Weisman

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